

**NAPLES CITY ORDINANCE NO. 12-141**

**AN ORDINANCE ADOPTING RESTRICTIONS ON THE USE OF FIREWORKS  
WITHIN CERTAIN AREAS OF NAPLES CITY AND OTHER RESTRICTIONS.**

**WHEREAS**, State law sets the dates allowed for discharge of fireworks; and

**WHEREAS**, there currently is and may be in the future a high risk of fire during the time when fireworks are allowed to be discharged; and

**WHEREAS**, the Governor of the State of Utah has recommended that cities and towns consider a ban on fireworks due to high fire danger; and

**WHEREAS**, due to dry conditions, high temperatures, low humidity, winds, and other factors, the danger of fires is frequently high throughout the State of Utah;

**WHEREAS**, fires present serious threats to life, public safety, property, natural resources, and the environment;

**WHEREAS**, fires are very costly to federal, state, and local governments as well as to private citizens and threaten the health, safety and welfare of Naples citizens, and

**WHEREAS**, use of private fireworks, inappropriate open fires, use of matches or cigarettes near dry areas and wildlands, and other similar circumstances increase the risks of fire;

**WHEREAS**, prudent and immediate action is required to suppress fires and reduce the danger of additional fires in order to protect life, public safety, property, natural resources, and the environment;

**WHEREAS** the Council finds it is in the best interest of the municipality and the general health, safety and welfare of the public that this ordinance should be passed;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF  
NAPLES CITY AS FOLLOWS:**

**1. Definition.** All terms relating to fireworks used in this ordinance shall have the same meaning as they are defined in Utah Code Ann. 53-7-202 of the Utah Fire Prevention Act.

**2. Sale, Discharge and Possession of Certain Fireworks Restricted.**

a. It is unlawful and for any person to sell or offer for retail sale, or to discharge, or to have in their possession any fireworks in this municipality, other than class C common Utah state approved explosives used in accordance with, and only on the dates allowed, by Utah Code Ann. Sections 53-7-220 through 225; the rules adopted pursuant thereto; and this ordinance, except as otherwise permitted by state law.

State law allows discharge only:

“ between the hours of 11 a.m. and 11p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight: beginning on July 1 and ending on July 7; and beginning on July 21 and ending July 27; beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day; or if New Year’s eve is on a Sunday and the local governmental jurisdiction determines to celebrate New year’s eve on the prior Saturday, then it is lawful to discharge Class C common state approved explosives on that prior Saturday; and beginning at 11 a.m. on the Chinese New Year’s eve and ending at 1 a.m. on the following day”

b. It is unlawful for any person to discharge any fireworks within 30 feet of any residence, dwelling, or structure.

c. Due to frequent extreme hazardous fire conditions in certain portions of Naples City, the discharge of any and all fireworks including class C common fireworks is prohibited in any area of the municipality that is within 200 feet of any field, lot, yard or other place containing dry or combustible materials including grasses, weeds, combustible fluids, household or other garbage or refuse which is uncovered, wood piles, paper, cardboard or other readily combustible materials. No person may allow any lighted cigarette, ash, match, ember, coal, glowing material, or other source of ignition to fall upon or ignite any dry vegetation or any kind of combustible materials located in any field, lot, gulch, hillside, or other place owned by another person or entity in the City during the months of July, August, or September.

d. Vernal City has authorized the use of the Vernal City park located at 500 N 900 W in Vernal as a place for private fireworks discharge on dates and times set by Vernal City ordinance, and pursuant to the invitation of Vernal City, said park is designated as a place for the discharge of private fireworks in accordance with the rules and regulations established by Vernal City for Naples City residents, in July 2012.

### **3. Enforcement.**

a. Every officer charged with enforcement of State and municipal laws including the Fire Marshal is hereby charged with the responsibility to enforce this ordinance.

b. Fireworks possessed, sold or offered for sale in violation of this ordinance may be seized and destroyed and the license of the person selling or offering fireworks for sale in violation of law may be revoked.

**4. Punishment.** Violation of this ordinance shall be a class B misdemeanor punishable by both fine and imprisonment as set forth in Utah law.

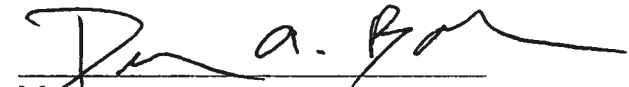
**5. Severability.** The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance

**6. Other Offenses.** Other ordinances of this municipality and other state code sections provide criminal and civil penalties for causing fires including but not limited to Section 76-6-102 Arson, Section 76-6-104 Reckless Burning, Section 76-6-104.5 Abandoned Fire, Section 76-

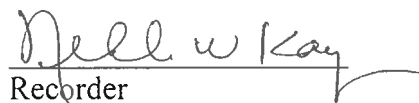
6-105 Causing a Catastrophe, Section 76-6-106 Criminal Mischief, Section 65a-3-4 Negligently Causing a Wildfire. The prohibited conduct set forth in this ordinance is in addition to, separate and distinct from the prohibitions in other state and municipal ordinances and a person violating this ordinance may also be subject to prosecution and penalties of other state statutes and municipal ordinances.

**7. Effective Date.** This ordinance shall take effect immediately upon adoption and posting, and shall terminate January 1, 2013.

ADOPTED AND DATED this 28<sup>th</sup> day of June, 2012.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Recorder



## ORDINANCE POSTING CERTIFICATE

STATE OF UTAH                    )  
  )       ss:  
COUNTY OF UINTAH            )

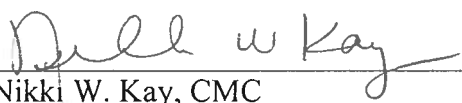
I, Nikki W. Kay, do hereby certify that I am the duly appointed, qualified City Recorder for the City of Naples, State of Utah, and do further certify that the foregoing is a true and correct copy of Ordinance No. 12-141 entitled "AN ORDINANCE ADOPTING RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF NAPLES CITY AND OTHER RESTRICTIONS" duly adopted by the City of Naples by the City Council thereof at a meeting duly called and held in Naples, Utah, on the 28<sup>th</sup> day of July, 2012, at the hour of 7:30 o'clock p.m. of said day, and I certify that after its passage I caused to be posted a copy of the Ordinance in the following locations:

1. City Office located at 1420 East 2850 South
2. Maverik located at 2502 South 1500 East
3. IFA Country Store located at 1646 East 1100 South

Dated this 2<sup>nd</sup> day of July 2012.

SEAL:



  
Nikki W. Kay, CMC  
Naples City Recorder